

LAW OFFICES

CONNOLLY BOVE LODGE & HUTZ LLP
 1220 MARKET STREET
 P.O. Box 2207
 WILMINGTON, DELAWARE 19899

TELEPHONE (302) 658-9141
 FACSIMILE (302) 658-5614
 WRITER'S DIRECT DIAL..(302) 888-6270

www.cbhlaw.com

WASHINGTON OFFICE
 SUITE 800
 1990 M STREET NW
 WASHINGTON, DC 20036-3425
 TELEPHONE: (202) 331-7111
 FACSIMILE: (202) 293-6229

March 17, 2003

FAX RECEIVED

OFFICIAL MAR 18 2003
GROUP 1600

FAX COVER SHEET

NUMBER OF PAGES (including this cover sheet)

7

| | | | |
|------------------|--|----------------|----------------|
| TO: | Alton Nathaniel Pryor Group Art Unit 1616 | FAX NO: | 1-703-308-4556 |
| YOUR REF: | Serial No. 09/916,611 | | |
| FROM: | Ashley I. Pezzner, Esq. | | |
| OUR REF: | HCC-011 (306*142) | | |

RECEPTION PROBLEMS -- PLEASE CALL (302) 658-9141

NOTE: This faxed message may contain privileged and/or confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, please be aware that any review, dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone contact and return the original message to the sender at the above address via U.S. Postal Service. We will reimburse you for postage. Thank you.

253884_1.DOC

ARTHUR G. CONNOLLY
 PARTNER EMERITUS

WERNER H. HUTZ
 1944-1970
 JANUAR D. BOVE, JR.
 1949-1991

COUNCIL

CRAIG B. YOUNG (DC & VA BAR)*
 WILLIAM E. LAMBERT III (PA BAR)
 M. EDWARD DANBERG
 WAYNE C. JAMESCHKE (NY BAR)
 WILLIAM C. BERGMANN (PA BAR)*
 SUSAN E. STAW McBEER (DC BAR)*

THOMAS F. LOCHÉ (DC BAR)*
 MICHAEL L. LOVITZ (PA BAR)
 OLEH V. BILINSKY
 JUDITH M. JONES
 JAMES M. OISEN
 ERIC J. EVALL
 GREGORY J. WEINIG
 DANIEL C. MULLVENY
 MICHELLE McMAHON
 CHRISTOS T. ADAMOPOULOS
 MAX B. WALTON
 DANIEL J. HARBISON
 ELLIOT C. MENDELSON
 GARY A. BRIDGE (MA BAR)
 HELENA C. RYCHUCKI
 LARRY J. HUIJIE (DC BAR)*
 JOSEPH BARRERA (DC BAR)*
 REDMOND L. CLEVINGER, JR.
 LIZA D. HOHENSCHUTZ (PA BAR)
 MARK E. FREEMAN
 GWENDOLYN M. LACY
 BRIAN J. HANSTON (VA BAR)*
 C. KEITH MONTGOMERY (VA BAR)*
 ZHUN LU (NJ BAR)

* RESIDENT WASHINGTON OFFICE

DELAWARE BAR UNLESS OTHERWISE DESIGNATED

SERIAL NO. 09/916,611

ATTORNEY DOCKET NO. H-011 (306*142)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES
PATENT AND TRADEMARK OFFICE ON THIS 17th DAY OF March 2003

J. Lynn Perry
J. LYNN PERRY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Greg Volgas *et al.*

Serial No. 09/916,611

Filing Date: July 27, 2001

For: Manufacture And Use Of A
Herbicide Formulation

Group Art Unit: 1616

Examiner: Pryor, Alton Nathaniel

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed February 11, 2003, please amend the above
identified application follows.

In the Claims

⤵ Please amend claims 1, 2, 38, 39, 66, and 81 as follows. ⤵

1. A herbicide composition comprising at least one chlorinated carboxylic acid herbicide in the acid form and at least one surfactant in an effective amount such that said chlorinated carboxylic acid herbicide is dissolved in the surfactant and said at least one surfactant is present in a quantity equal to or greater than said at least one chlorinated carboxylic acid herbicide.

SERIAL NO. 09/916,611

ATTORNEY DOCKET NO. HCC-011 (306*142)

2. A herbicide composition comprising at least one fully solubolized chlorinated carboxylic acid herbicide in the acid form and at least about 8 weight % of at least one surfactant.
38. The herbicide composition as claimed in claim [1] 4, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
39. The herbicide composition as claimed in claim [1] 7, wherein said chlorinated carboxylic acid herbicide is present in an amount from about 5 to about 30% by weight.
66. A herbicide composition containing a chlorinated carboxylic acid herbicide in the acid form and a surfactant in the ratio of acid herbicide to surfactant from about 1:6 to about 1:1.
81. A process to produce a herbicidal composition which comprises blending a fully solubolized acid herbicide in the acid form with a surfactant to form a solution provided that said chlorinated carboxylic acid herbicide and surfactant are present in an amount of about 1 part by weight of chlorinated carboxylic acid herbicide to at least about 1.5 part by weight of surfactant.

See Appendix 1 for a clean copy of the claims.

REMARKS

The applicants respectfully request reconsideration in view of the amendment and THE following remarks. Support for the term "in the acid form" can be found in the specification at page 5, line 1. The applicants have corrected the dependencies of claims 38 and 39 as suggested by the Examiner. The applicants appreciate that the Examiner has renumbered the two duplicate claims (claims 78 and 84).